

### Remarks/Discussion of Issues

Claims 1-14 are pending in the application.

The Applicant thanks the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority documents.

The specification is amended herein to correct a typographical error. No new matter has been added by the amendment of the specification herein.

Claims 1-14 are amended herein for non-statutory reasons of correcting informalities in claims 1-14 and for addressing the Examiner's objection to claims 5-10 under 37 C.F.R. §1.75(c) as being in an improper multiple dependency form. Claims 1-14 are not narrowed in scope and no new matter has been added by the amendment of claims 1-14 herein.

In the non-final office action, the Examiner rejected claims 1-4 and 11-14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,521,014 B2 to *Toia* et al. in view of U.S. Patent No. 5,432,399 to *Nagasawa* et al and in further view of JP 2004-220880 to *Deguchi*. The Applicant has thoroughly considered the Examiner's remarks concerning the patentability of claims 1-4 and 11-14 over *Toia* in view of *Nagasawa* and in further view of *Deguchi* (collectively the "cited references"). The Applicant has also thoroughly read the cited references. To warrant this §103(a) rejection of claims 1-4 and 11-14, each and every element as combined in claims 1-4 and 11-14 must have been obvious to one skilled in the art at the time of the invention of claims 1-4 and 11-14 based on a reading of the cited references. See, MPEP §2141. The Applicant respectfully asserts that a careful review of the cited references reveals the fact that the cited references fail to render obvious "a getter being provided in the outer envelope" and "the outer envelope having a volume equal to or less than 2cc" as recited in independent claims 1 and 11.

Specifically, *Toia* teaches the use of a getter in the discharge space of lamps with at least 2.5 mbar.mil nitrogen, but fails to teach specific components of a high-pressure discharge lamp as recited in independent claims 1 and 11, and fails to teach "the getter being provided in the outer envelope" of a high-pressure discharge

lamp. See, Toia at column 1, lines 21-26. *Nagasawa* teaches specific components of a high-pressure discharge lamp as recited in independent claims 1 and 11 except for "the outer envelope having a volume equal to or less than 2cc". While the Examiner has interpreted *Deguchi* as teaching "the outer envelope having a volume equal to or less than 2cc", a proper reading of *Deguchi* reveals that *Deguchi* in fact teaches an electric discharge container IT as shown in FIGS. 2 and 3 of *Deguchi* as having a content volume of 0.025cc and fails to teach the content volume of an outer pipe OT as shown in FIG. 2 of *Deguchi*. Unequivocally, the electric discharge container IT of *Deguchi* corresponds to the discharge vessel recited in independent claims 1 and 11, and the outer pipe OT of *Deguchi* corresponds to the outer envelope recited in independent claims 1 and 11. Therefore, *Deguchi* fails to teach "the outer envelope having a volume equal to or less than 2cc".

From this proper reading of the cited references, the Applicant respectfully asserts that one skilled in the art at the time of the invention of independent claims 1 and 11 would have read the cited references in combination as teaching a high-pressure discharge lamp having a getter in the discharge space of the lamp as opposed to "the getter being provided in the outer envelope" as recited in independent claims 1 and 11, and as teaching a discharge vessel having a content volume equal to or less than 2cc as opposed to "the outer envelope having a volume equal to or less than 2cc" as recited in independent claims 1 and 11. Furthermore, based on the reading of the cited references, the Applicant respectfully asserts that one skill in the art could not have been reasonably expected at the time of the invention of independent claims 1 and 11 to create a high-pressure discharge lamp having "a getter being provided in the outer envelope" and "the outer envelope having a volume equal to or less than 2cc".

Withdrawal of the rejection of independent claims 1 and 11 under 35 U.S.C. §103(a) as being unpatentable over *Toia* in view of *Nagasawa* and in further view of *Deguchi* is therefore respectfully requested.

Claims 2-4 depend from independent claim 1. Therefore, dependent claims 2-4 include all of the elements and limitations of independent claim 1. It is therefore

respectfully submitted by the Applicant that dependent claims 2-4 are allowable over *Toia* in view of *Nagasawa* and in further view of *Deguchi* for at least the same reason as set forth herein with respect to independent claim 1 being allowable over *Toia* in view of *Nagasawa* and in further view of *Deguchi*. Withdrawal of the rejection of dependent claims 2-4 under 35 U.S.C. §103(a) as being unpatentable over *Toia* in view of *Nagasawa* and in further view of *Deguchi* is therefore respectfully requested.

Claims 12-14 depend from independent claim 11. Therefore, dependent claims 12-14 include all of the elements and limitations of independent claim 11. It is therefore respectfully submitted by the Applicant that dependent claims 12-14 are allowable over *Toia* in view of *Nagasawa* and in further view of *Deguchi* for at least the same reason as set forth herein with respect to independent claim 11 being allowable over *Toia* in view of *Nagasawa* and in further view of *Deguchi*. Withdrawal of the rejection of dependent claims 12-14 under 35 U.S.C. §103(a) as being unpatentable over *Toia* in view of *Nagasawa* and in further view of *Deguchi* is therefore respectfully requested.

**Summary**

The Applicant respectfully submits that claims 1-14 as listed herein fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: **October 27, 2008**

Respectfully submitted,  
Bennie Josephus De Maagt et al.

Philips Intellectual Property &  
Standards  
P.O. Box 3001  
Briarcliff Manor, New York 10510

---

Eric M. Bram  
Registration No. 37,285  
Attorney for Applicant

Woodard, Emhardt, Moriarty, McNett,  
and Henry, LLC.  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137

---

/Darrin Wesley Harris, 40636/  
Darrin Wesley Harris  
Registration No. 40,636  
Attorney for Applicant